

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

VANITY NOEL AS A/N/F OF J.N.G,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 1:22-cv-00370
	§	
LONGVIEW INDEPENDENT SCHOOL	§	
DISTRICT,	§	
	§	
<i>Defendant.</i>	§	

NOTICE OF REMOVAL

Defendant Longview Independent School District (“LISD” or the “District”) files this notice of removal based on federal question jurisdiction pursuant to 28 USC §§ 1331, 1441(a), and 1446, and in accordance with Federal Rule of Civil Procedure 81(c) and Local Rule CV-81.

Background and Basis for Removal

1. Plaintiff was a student at LISD. Suit was filed in the County Court of Law 2 of Gregg County, Texas, on or about August 8, 2022. LISD was served with the lawsuit on August 11, 2022.

2. Plaintiff’s Original Petition cites causes of action for: (1) “DISCRIMINATION BASED ON DISABILITY” pursuant to 29 U.S.C. § 794 (“the Rehabilitation Act of 1973”) and 42 U.S.C. §§ 12101, 12131 (“the Americans with Disabilities Act”); and (2) violations of Due Process and Equal Protection pursuant to 42 U.S.C. § 1983 (“Section 1983”). Removal is proper because this action arises under the

Rehabilitation Act of 1973, the Americans with Disabilities Act, and Section 1983 and, therefore, a federal question exists. *See* 28 USC § 1331.

4. Venue for this removal is proper in the United States District Court for the Eastern District of Texas, Tyler Division, because the Tyler Division includes Gregg County, Texas—the location of the pending state court action; the location of plaintiff and defendant; and the location of events giving rise to the complaint.

5. In accordance with 28 USC §§ 1331, 1441(a), and 1446, Federal Rule of Civil Procedure 81(c), and Local Rule 81, the required pleadings, processes, orders, and other filings in the state court action are attached to this notice, as shown in the Index of matters being filed, attached hereto as Exhibit A.

6. LISD will promptly file Notice of Filing of Removal with the clerk of the state court where the action has been pending. See Exhibit A-6 hereto.

Respectfully submitted,

KARCZEWSKI | BRADSHAW | SPALDING

/s/ Paul A. Lamp

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that on the 8th day of September 2022, I electronically filed the foregoing document with the Clerk of Court *via* e-file and served all counsel of record and addressed as follows:

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